



Order Filed on January 9, 2024  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

**PACHULSKI STANG ZIEHL & JONES LLP**

Robert J. Feinstein (admitted *pro hac vice*)

Bradford J. Sandler

Paul J. Labov

Colin R. Robinson

780 Third Avenue, 34th Floor

New York, NY 10017

Telephone: (212) 561-7700

Email: rfeinstein@pszjlaw.com

bsandler@pszjlaw.com

plabov@pszjlaw.com

crobinson@pszjlaw.com

*Counsel to the Plan Administrator*

In re:

BED BATH & BEYOND, INC., *et al.*,<sup>1</sup>

Debtors.

Chapter 11

Case No. 23-13359 (VFP)

Judge: Vincent F. Papalia

(Jointly Administered)

**STIPULATION AND CONSENT ORDER RESOLVING LANDLORD'S  
ADMINISTRATIVE CLAIMS**

The relief set forth on the following pages, numbered two (2) through four (4), is hereby  
**ORDERED.**

**DATED: January 9, 2024**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

<sup>1</sup> The last four digits of Debtor Bed Bath & Beyond Inc.'s tax identification number are 0488. A complete list of the Debtors in these Chapter 11 Cases (collectively, the "Debtors" and each a "Debtor") and each such Debtor's tax identification number may be obtained on the website of the Debtors' proposed claims and noticing agent at <https://restructuring.ra.kroll.com/bbby>. The location of Debtor Bed Bath & Beyond Inc.'s principal place of business and the Debtors' service address in these Chapter 11 Cases is 650 Liberty Avenue, Union, New Jersey 07083.

Debtors: BED BATH & BEYOND INC., *et al.*  
Case No. 23-13359-VFP  
Caption of Order: STIPULATION AND CONSENT ORDER RESOLVING LANDLORD'S ADMINISTRATIVE CLAIM

This stipulation and consent order (the “Stipulation”) is made by and between Tamarack Village Shopping Center, A Limited Partnership (the “Landlord”), and Michael Goldberg, as Plan Administrator (the “Plan Administrator”) for the Debtors (together, the “Parties”), including, as applicable, by and through their duly authorized undersigned counsel.

**WHEREAS**, on April 23, 2023 (the “Petition Date”), each of the Debtors filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code (the “Bankruptcy Code”) in the Court;

**WHEREAS**, the Debtors’ chapter 11 cases have been procedurally consolidated;

**WHEREAS**, as of the Petition Date, Landlord and one of the Debtors were parties to an unexpired lease of non-residential real property (the “Lease”) which was subsequently rejected by the Debtors;

**WHEREAS**, Landlord is owed ad valorem real estate taxes by the Debtors;

**WHEREAS**, on Landlord filed the following proof of claims against the Debtors concerning the Lease, as follows:

Claim No.	Date Filed	Debtor	Amount/Priority
14548	7/21/23	Bed Bath & Beyond Inc.	\$616,622.55 (GUC) \$77,491.20 (Administrative Priority)

**WHEREAS**, on September 14, 2023, this Court entered the *Findings of Fact, Conclusions of Law, and Order (I) Approving the Disclosure Statement on a Final Basis and (II) Confirming the Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and its Debtor Affiliates* [[Docket No. 2172](#)], confirming the *Second Amended Joint Chapter 11 Plan of Bed Bath & Beyond Inc. and Its Debtor Affiliates* [[Docket No. 2160](#)] (as amended, the “Plan”);

Debtors: BED BATH & BEYOND INC., *et al.*  
Case No. 23-13359-VFP  
Caption of Order: STIPULATION AND CONSENT ORDER RESOLVING LANDLORD'S ADMINISTRATIVE CLAIM

**WHEREAS**, on September 29, 2023, the effective date of the Plan occurred; as of that date, the Plan Administrator is authorized to implement the Plan and any applicable orders of the Bankruptcy Court;

**WHEREAS**, on October 12, 2023, Landlord filed that certain *Motion of Tamarack Village Shopping Center, a Limited Partnership for Order for Allowance and Payment of Administrative Expense Claim Pursuant to 11 U.S.C. § 503(b)(1)* [[Docket No. 2431](#)] (the “Administrative Expense Motion”);

WHEREAS, the Plan Administrator has represented to Landlord that the estate is currently unable to pay the Allowed Administrative Claims (as defined in the Plan), including Landlord's claim, at this time.

**WHEREAS**, the Parties have agreed upon the terms set forth in this Stipulation, for which the Parties seek approval hereby;

**NOW THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION THE PARTIES HERETO ACKNOWLEDGE RECEIVING, IT IS HEREBY STIPULATED, AGREED AND ORDERED AS FOLLOWS:**

1. The recitals set forth above are hereby made an integral part of the Parties' Stipulation and are incorporated herein.

2. The portion of Claim No. 14548 asserting entitlement to administrative priority is allowed in the amount of \$77,491.20 (without effect on the remaining unsecured amounts asserted by the claim). Payment of the Landlord's administrative expense claim will be paid in accordance with the Plan and no later than at the time that distributions are made on other Allowed Administrative Claims in these cases.

Debtors: BED BATH & BEYOND INC., *et al.*  
Case No. 23-13359-VFP  
Caption of Order: STIPULATION AND CONSENT ORDER RESOLVING LANDLORD'S ADMINISTRATIVE CLAIM

3. This Stipulation resolves all of the Landlord's potential administrative claims against the Debtors as it relates to the Lease.

4. Notwithstanding Bankruptcy Rules 6004(h) and 6006(d), upon the Court's approval of this Stipulation, the relief set forth herein shall be effective and enforceable immediately upon entry hereof.

5. The Parties acknowledge and agree that the Court shall retain jurisdiction over all disputes concerning or related to the subject matter of this Stipulation.

Dated: January 8, 2024

**PACHULSKI STANG ZIEHL & JONES LLP**

**KURTZMAN STEADY, LLC**

/s/ Colin Robinson

Robert J. Feinstein (admitted *pro hac vice*)  
Bradford J. Sandler  
Paul J. Labov  
Colin R. Robinson  
780 Third Avenue, 34th Floor  
New York, NY 10017  
Telephone: (212) 561-7700  
Email: rfeinstein@pszjlaw.com  
bsandler@pszjlaw.com  
plabov@pszjlaw.com  
crobinson@pszjlaw.com

/s/ Jeffrey Kurtzman

Jeffrey Kurtzman, Esquire (JK-7689)  
101 N. Washington Avenue, Suite 4A  
Margate, NJ 08402  
kurtzman@kurtzmansteady.com  
Telephone: (215) 839-1222

*Attorneys for Tamarack Village Shopping  
Center, A Limited Partnership*

*Counsel to the Plan Administrator*